

In the United States Northern District Court of Ohio  
801 West Superior Avenue Cleveland, Ohio 44113

FILED

2018 FEB 2 PM 1:18  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

Cortez Davis  
1545 West 25<sup>th</sup> Street  
Cleveland, Ohio 44113  
Apt 217

Plaintiff/Sui Juris  
Vs

Northern dist. Court of  
Ohio

Cleveland Police

Department

Cleveland Municipal Court

County Jail

Court of Common Pleas

8<sup>th</sup> Dist Court of Appeals

All employee Staff, Agents

Servants /Defendants

42. U.S.C. 1983

Civil Rights Complaint

Invoke all Common law rights

United States Northern District  
Court of Ohio

Case No. 1:18 Cv 271

Jury Trial Demand

Invoke All Common law Rights

**JUDGE BOYKO**

**MAG. JUDGE BAUGHMAN**

Local governments have no immunity from damages flowing from  
Their constitutional violations, and may not assert the good faith  
Of its agents as a defense to liability. Local governments are left  
In the unique and unhappy situation of being subject to suit  
Without the benefit of any form of immunity.

United States Northern District Court of Ohio  
801 West Superior Avenue  
Cleveland, Ohio 44113

## Statement of the case and facts

On or about this day of July 4<sup>th</sup> 2016 my car was parked on Lakeside Avenue across the street from 2100 men's shelter. I Was setting off fireworks outside my vehicle. Police drove up On me, Cleveland police department officers started Questioning me about setting off firecrackers. Without reading Me my Miranda warning rights. I asked for a citation? He refuse To do it, they asked me is there anything inside the car? I said Yes! Police officers began to search my car and they found my Gun inside the glove compartment in my car they asked me Where is your ccw permit? I said I don't have it at this time, im The gun owner. Police then place me in handcuffs put me inside The police car read me my Miranda rights while in the police Car. They drove me to the Cleveland city jail where I was Booked in.

I spent 3 days in the Cleveland city jail without a criminal Complaint ever being filed I went to arraignment court without Attorney present on July 7<sup>th</sup> and was released the same day. And my car was never released back to me. On or about this Day of august 26, 2016 I was driving my car. Police drove up Behind me, pulled me over, police said I had a warrant out for Your arrest because I missed arraignment. Police asked me can They search my car? I said no. the police place me in handcuffs Put me in police car and drove me to the Cuyahoga county jail. Where I was booked in. I was housed in the Cuyahoga County Jail. About 5 months before I went to my jury trial on January 30<sup>th</sup> it lasted 3 days. The jury found me guilty on all charges. I Was sentenced to time served. I was released February 2, 2017. About a week later I checked my court docket online I saw a Journal entry from judge Cassandra collier-Williams stating, the Cleveland police department is ordered to return to defendant His vehicle

[Grey 2008 ford Windstar, se sport; license plate: guv 3973; VIN #2FMZA57481BA07302] that was seized in this matter. If the Vehicle is at an impound lot the Cleveland police department is Ordered to locate the vehicle to the defendant. All fees and Cost charged by the impound lot and/or the city of Cleveland Police department, including storage and towing fees are Hereby ordered waived and suspended. So ordered 02/03/17.

I went down to Newburgh heights police station, officer told Me once they got my car another company picks it up after a Certain amount of days. I've found out my car was under Unlawful investigation an then crushed. I never ever received My car back to me as Cassandra collier-William ordered. See Exhibit (Z)

On 5-1-2017, I Cortez Davis was at the clerk of court in Cuyahoga County received copy of capias on indictment Without complaint attached issue date 8-23-2016, without Judge signature or magistrate signature.

The Cleveland police department officers, Cleveland city jail, Common pleas court, staff, employees, and agents willingly knowingly violated the following laws: Ohio constitution. Article I. section 14, Ohio constitution. Article I. section 10, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 14<sup>th</sup> article. 6. Cl. 2, oath of office 323, and R.c. 124,34. Sham legal process.

## Memorandum to support 1983 civil rights complaint:

On July 4<sup>th</sup> 2016, Cleveland police department officers drove up  
On me while I was setting off fireworks, the officers started  
Questioning me about setting off fire crackers without reading  
Me the Miranda warning rights, violation of the 5<sup>th</sup>  
Amendment, Ohio constitution. Article I. section 1,. I asked for  
A citation? He refuse to do it, they asked me is there anything  
Inside the car? I said yes! Police officers began to search my car  
And they found my gun inside the glove compartment in my  
Car they asked me where is your ccw permit? Violation of Ohio  
Constitution. Article I. section. 1, 4<sup>th</sup> amendment. They drove  
Me to the Cleveland city jail where I was booked in. I spent 3  
Days in the Cleveland city jail without a criminal complaint ever  
Being filed. Violation of criminal rules 1, and 3. Where I was  
Booked in. I went to arraignment court without  
Attorney present on July 7<sup>th</sup> and was released the same day.  
Violation of Ohio constitution article I. section 1, Ohio.  
Constitution. Article. I. section. 10, 6<sup>th</sup> amendment, and 12 hour  
Rule.

On or about this day of august 26, 2016 I was driving my Car. Police drove up behind me, pulled me over, police said I Had a warrant out for your arrest because I missed Arraignment. Police asked me can they search my car I said no. Police searched my car anyway. Police found my box of rounds I owned. . Violation of Ohio constitution article I. section. 14, 4<sup>th</sup> amendment. The police place me in handcuffs put me in Handcuffs put me in police car and drove me to the Cuyahoga County jail. Where I was booked in the Cuyahoga county jail. About 5 months before I went to my jury trial on January 30<sup>th</sup> It lasted 3 days. The trial court proceeded to trial without Jurisdiction abinitio, without jurisdiction over any subject Matter abinitio, and without subject matter jurisdiction Abinitio. The jury found me guilty on all charges. I was Sentenced to time served. I was released February 2, 2017. Jury found me guilty when no criminal complaint was never Filed, and crime never existed. About a week later I checked my Court docket online I saw a journal entry from Judge Cassandra Collier-Williams stating the Cleveland police department is Ordered to return to

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Defendant his vehicle [grey 2008 ford Windstar, se sport;  
License plate: guv 3973; VIN # FMZA57481BA07302] that was  
Seized in this matter. If the vehicle is at an impound lot the  
Cleveland police department is ordered to locate the vehicle  
To defendant. All fees and cost charged by the impound lot the  
Cleveland police department is ordered to locate the vehicle to  
The defendant. All fees and cost charged by the impound lot  
And/or the city of Cleveland police department, including  
Storage and towing fess are hereby ordered waived and  
Suspended. So ordered. 02/03/17. I went down to Newburgh  
Heights police station, officer told me once they got my car  
Another company picks it up after a certain amount of days.  
I've found out my car was under unlawful investigation, an  
They crushed my car. I never ever received my car back to me  
As Cassandra collier-William ordered. The Cleveland police  
Department officers and the Cleveland impound violated judge  
Cassandra collier-William court order. On 5-1-2017 I Cortez  
Davis was at the clerk of court in Cuyahoga county received  
Copy of capias on indictment without complaint attached issue  
Date



8-23-2017, without judge signature or magistrate signature.

Violation of criminal rules, 1, 3, 4 [A][1], Ohio constitution.

Article. I. section 14, and 4<sup>th</sup> amendment.

## Claim 1

Claim 1: 8<sup>th</sup> dist. Court of appeals errored

When it disregarded lack of jurisdiction abintio, lack of Jurisdiction over any subject matter abinitio, lack of subject Matter jurisdiction abinitio. Once Cortez Davis challenged Jurisdiction in the trial court and in the 8<sup>th</sup> dist. Court of Appeals, it must be proven to exist in all courts. There is no Discretion to ignore lack of jurisdiction. Joyce v. U.S. 474 2D. 215. Once jurisdiction is challenged, the court cannot proceed When it clearly appears that the court lacks jurisdiction, the Court has no authority to reach merits, but, rather, should Dismiss the action. Melo v. us, 505 f.2d. 1026 the law provides That once state and federal jurisdiction has been challenged, It must be proven. Main v. thiboutot, 100 5.ct.2502[1980]. Once challenged, jurisdiction cannot be assumed, it must be Proved to exist.

Stuck v. medical examiners, 94 ca. 2d. 751. 211. P.2d. 389 the Burden shifts to the court to prove jurisdiction. Rosemond v. Lambert, 469. F.2d 416. Jurisdiction can be challenged at any Time. Jurisdiction, once challenged, cannot be assumed and Must be decided. Basso v. Utah power and light co. 495. F.2d 906. 910. The law requires proof of jurisdiction to appear on The record of the administrative agency and all administrative Proceedings. Hagans v. lavine, 415. U.S. 533. A court cannot Confer jurisdiction where none existed and cannot make a void Proceeding valid. It is clear and well established law that a void Order can be challenged in any court. Old Wayne mut. L. A 55 0c. v mc donough, 204. U.S. 8, 27. 5. Ct. 236[1907] Cortez Davis Challenged jurisdiction in the trial court and in the 8<sup>th</sup> dist. Court of appeals both never proved jurisdiction to exist on the Record. Therefore Cortez Davis void judgment and void Convictions must be vacated, invalidated expunged forthwith, For the trial court lacked jurisdiction abinitio, trial court lacked Jurisdiction over any subject matter abinitio, trial court lacked

Subject matter jurisdiction abinitio.

42 U.S. Code § 1983 - Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

### **Elements of a § 1983 Action**

"Traditionally, the requirements for relief under [§] 1983 have been articulated as: (1) a violation of rights protected by the Constitution or created by federal statute, (2) proximately caused (3) by conduct of a 'person' (4) acting under color of state law." *Crompton v. Gates*, 947 F.2d 1418, 1420 (9th Cir. 1991). Or, more simply, courts have required plaintiffs to "plead that (1) the defendants acting under color of state law (2) deprived plaintiffs of rights secured by the Constitution or federal statutes." *Gibson v. United States*, 781 F.2d 1334, 1338 (9th Cir. 1986); see also *Long v. County of Los Angeles*, 442 F.3d

1178, 1185 (9th Cir. 2006); *WMX Techs., Inc. v. Miller*, 197 F.3d 367, 372 (9th Cir. 1999) (en banc); *Ortez v. Washington County, Or.*, 88 F.3d 804, 810 (9th Cir. 1996).

42 U.S.C. 1983 Civil Rights action for deprivation of rights

The decision in *Monroe v. Pape* that state government officials can be sued under section 1983 was expanded in a case called *Monell v. New York City Dept of Social Services*, 436 U.S. 658 (1978). In that case the Supreme Court allowed for 1983 claims against municipal and city governments.

U.S. Supreme Court *Scheuer v. Rhodes*, 416 U.S. 232 (1974)  
No. 72-914 Decided April 17, (1974)

## Claim II.

The 8<sup>th</sup> dist court of appeals erred when it denied Cortez Davis affidavit motion to vacate void judgment and void convictions for ineffective assistance. Appellate counsels for not filing appellant brief. For the trial court lacked jurisdiction abintio, the trial court lacked jurisdiction over any subject matter jurisdiction abinitio. Jurisdiction exist by the Ohio Constitution and by the U.S. constitution. Once the Ohio

Constitution and U.S. constitution. Is violated jurisdiction  
Cease to exist. Jurisdictions exist outside the court,  
And exist inside the court. Once the Cleveland police  
Department officer violated, Ohio constitution article I.  
Section 1, Ohio constitution. Article I. section. 14, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>,  
Amendments jurisdiction cease to exist, outside the court  
Room. Therefore the court never had Jurisdiction inside the  
Court room. Jurisdiction is a court's Power to decide a case or  
Issue or degree. Bright vs. family Med. Found, Inc.  
2003-ohio-6652 10<sup>th</sup> district. 2-11-2003. HN.3  
Subject matter jurisdiction refers to the power of a court to  
Hear and decide a case on the merits. A court that lacks subject  
Matter jurisdiction may not hear and decide a case on the  
Merits. In state vs. J.RO.Sharp 5<sup>th</sup> district, 2009-ohio-1854. 115.  
Futher, the defense of subject matter jurisdiction can never be  
Waived. In the matter of c.w. supra, citing time warner axs vs  
Pub. Util. comm, 75-ohio st.3d 229, 223, 1996-ohio-224. The  
Absence of a criminal complaint cannot be waived by a plea of

No contest or even guilty, since any conviction resulting from  
An invalid complaint is a nullity. State of Tennessee appellee vs.  
William therrell seaglaves appellant 837. 2d. 615[2-12-1992].  
HN. 4 it is the duty of any court to determine the question of its  
Jurisdiction on its own motion if the issues is not raised by  
Either of the parties, in as much as any judgment rendered  
Without jurisdiction is a nullity in county of shelpy vs city of  
Memphis, 211 Tenn. 410, 411, 365. S.W. 291. 292. [1963]. Our  
Supreme Court sua sponte reversed the judgment of the trial  
Court and dismissed the appeal because the court found that  
The trial court did not have subject matter jurisdiction. Elliot  
Vs. piersol, 1 pet. 328, 340, 26. U.S. 328, 340[1828] under  
Federal law which is applicable to all states, the U.S. supreme  
Court stated if a court is without authority, its judgments and  
Orders are regarded as nullities. People vs. wade, 506 N.W.  
2d. 954[Ill. 1987].void judgment may be defined as one in  
Which rendering court lacked subject matter jurisdiction,  
Lacked personal jurisdiction, or acted in manner inconsistent

With due process of law. Underwood vs Brown, 244. S.W. 2d. 168[Tenn. 1951]. Void judgment is one which has no legal force Or effect whatever, it is an absolute nullity, its in validity maybe Asserted by any person whose rights are affected at any time And at any place and it need not be attacked directly but Maybe attacted collaterally whenever and where ever it is Interposed. It is everywhere held that jurisdiction over subject Matter or cause of action cannot be conferred upon a court by Content or waiver, but may be questioned at any stage of the Proceedings. Harris v. State. 82 A.2d 387, 387, 387, 389, 46 Del. 11[1950] it is elementary that the jurisdiction over subject Matter of the action is the most critical aspect of the court's Authority to act. Without it the court lacks any power to Proceed; therefore, a defense based upon this lack cannot be Waived and may be asserted at any time. Matter of green, 313 S.E 2d 193, 195[N.C. App. 1984] a reviewing court is required to Consider the issue of subject matter jurisdiction even where it Was not raised below in order to avoid an unwarranted



Exercise of judicial authority. "Honomich v. State, 333 N.W. 2d 797, 799[S.D.1983] Accorded a valid adjudication, but may Be entirely disregarded, or declared inoperative by any Tribunal in which effect is sought to be given to it. It is attended By none of the Consequences of a valid adjudication. It has no Legal or binding Force or efficacy for any purpose or at any Place. It is not entitled to enforcement and is itself regarded As invalid. 30 AM Jur judgments" 44, 45. A void judgment does Not create any binding obligation. Federal decisions addressing void state Court judgments include Kalb vs Feuerstein[1940] 308 U.S. 433, 60 S.Ct. 343, 84 L.ed 370, Ex Parte Rowland [1882] 104 U.S. 604, 26 L.Ed.861. A court must vacate any judgment Entered in Excess of its jurisdiction. Lubben vs. selective service System Local Bd, No, 453.F.2d 645 [1<sup>st</sup> Cir. 1972]. The law Requires Cortez Davis void judgment and convictions to be Vacated Forthwith, for the trial court lacked jurisdiction abinitio, trial Court lacked jurisdiction over any subject matter abinitio, trial Court lacked subject matter jurisdiction abinitio.

### Claim: 3

Cortez Davis was denied right to appellate counsels pursuant To 6<sup>th</sup> amendment and Ohio constitution Article. I. Section. 10, When appellate counsels withdrew without filing Cortez Davis Brief. Appellate counsel Mary Catherine O'Neil 0091210 Submitted a notice of appeal in the court of common pleas Cuyahoga County, Ohio for Cortez Davis on 2-16-2017. See Exhibit [A]. Instead of appellate counsel Mary Catherine O'Neil Filing a brief, she submitted a motion to withdraw as counsel to The 8<sup>th</sup> appellate district. See exhibit [B]. When appellate Counsel Mary Catherine O'Neil submitted motion to withdraw As counsel without filing Mr. Cortez Davis brief she violated Ohio constitution. Article I, section 1, Ohio constitution Article. I. section 10, 6<sup>th</sup> amendment, and administrative code R.C. 124.34. Court of appeals of Ohio, eighth district granted Motion to withdraw. See exhibit [C] court of appeals of Ohio, Eighth district journal Entry. In the supreme court of Ohio, state

Of Ohio vs Gregory Clayton appellate S.C.T. Case no. 2015-1568.  
The six Amendment right to effective of counsel extends to  
Appellate Counsel on direct appeal of a criminal conviction.  
E vitts vs Lucey 469, U.S. 387. 105. S. ct. 830.83 Led 2d.821  
[1985]. The Right too counsels is limited to the first appeal as  
right, see Ross vs. moffit, 417. U.S. 600[1974.]. Swenson vs  
boster, 386, U.S, 258.[1967], percuriam, and must play the role  
Of an active Advocate, rather than a mere friend of the court  
Assisting in a detached evalution of the appellant's claim, see  
Anders vs California, 386. U.S. 738.[1967]. Had appellate  
Counsel in this Case filed the brief, there is a strong possibility  
That the Judgment, and convictions would have been vacated,  
And Invalidated, and expunged forthwith. Cortez Davis never  
Never signed a waiver for his 6<sup>th</sup> amendment right to appellate  
Counsel as of rights Plaintiff Cortez Davis was appointed  
Another attorney, the Month of March 2017, appellate  
Counsel Erika B. cunliffe 0074480, she too submitted motion to  
Withdraw as counsel and for appointment of new counsel

March 13, 2017. See exhibit [D]. Appellate counsel Erika Cunliffe refused to file a brief for her client Cortez Davis. Thus violating Ohio constitution. Article I, Ohio constitution. Article I. section. 10., 6th amendment. Cortez Davis never signed a waiver to waive his right to Appellate counsel as of right. Gideon v. Wainwright, 372 U.S. 335[1963], is a landmark case in United States Supreme Court history. In it, the Supreme Court unanimously ruled that states are required under the sixth amendment to the U.S. Constitution to provide counsel in criminal cases to represent defendants who are unable to afford to pay their own attorneys. The case extended the right to counsel, which had been found under the 5<sup>th</sup>, and 6<sup>th</sup> amendments to impose requirements on the federal government, by ruling that this right imposed those requirements upon the states as well. Walter A. Roshery petitioner vs. Gillespie County Texas Supreme Court of the U.S. 171 L.ed. 2d 366 decided 6-23-2008. HN. I the right to counsel guaranteed by the 6<sup>th</sup> amendment

Applies at the first appearance before a judicial officer at which  
A defendant is told of the formal accusation against him and  
Restrictions are imposed on his liberty. See, *Powell vs.*  
*Alabama*, supra, *Johnson vs. Zerbst*, 304 U.S. 458, 81 L.E.D.  
1461 [1938] *Hamilton vs. Alabama* 157, 7 L.E.D. 2d. 114 [1961].  
*White vs. Maryland* 10 L.E.D 2d 193 [1963], *Massiah vs. U.S.* 12  
L.E.D 3d 246 [1964], *U.S. vs Wade* 18 L.E.d. 2d. 1149 [1967].  
*Gilbert vs California* 18 L.E.d. 2d 1178 [1976], *Coleman vs*  
*Alabama* 26 L.E.d. 2d. 387 [1970]. A person accused of a crime  
Requires the guiding hand of counsel at every step in the  
Proceedings against him, *Powell vs. Alabama* 287 U.S. 45,69  
[1932], and that the constitutional principle is not limited to the  
Presence of counsel at trial, the accused is guaranteed that he  
Need not stand alone against the state at any stage of the  
Prosecution, formal or informal, in court or out, where counsels  
Were in accord [1156], on few things they agreed on the  
Necessity of abolishing the facts –law distinction, the colonist  
Appreciated that if a defendant were forced to stand alone

Against the state his case is foredoomed. Appellant Cortez Davis is standing alone against the state of Ohio without any Appellate counsel, his appeal is foredoomed. Douglas vs California [1963] 372 U.S. 353[1963] U.S. Supreme Court. Decided [3-18-1963]. Denial of counsel on a appeal to an Indigent would seem to be discrimination at least as invidious As that condemned in Griffin vs Illinois. Goesaert vs clearly, 335 U.S. 464 but where the merits of the one and only appeal An indigent has right are decided without benefit of counsel We think an unconstitutional line has been drawn between Rich and poor. The state appellate courts to appoint counsel On appeal for any indigent defendant. Gideon vs wainwright 372 U.S. 335[1961], the supreme Court held that the Right to the assistance of counsel at State expense Applied to defendants on first level of Appeal. Douglas vs California, 372 U.S. 353[1963]. Exercising their only right To appeal as of right. The Following Exhibits is attached To this 42. U.S.C. 1983 Civil Rights Complaint Exhibit [A] Notice of appeal submitted by appellate counsel Mary

Catherine O'Neil, 0091210 Exhibit [B] motion to withdraw  
As counsel submitted by appellate counsel Mary  
Catherine Corrigan 0091210, Exhibit [C] Journal Entry  
Mary Catherine O'Neil to withdraw as counsel granted,  
Exhibit [D] motion to withdraw as counsel and for #  
0074480, Exhibit [E] affidavit to appoint appellate and for  
The appellate counsel to submit one assignment of error  
In his brief. The trial court lacked subject matter  
Jurisdiction abinitio, Exhibit [F] appellate counsel Erika  
Cunliffe submitted an motion to withdraw as counsel  
And for appointment of new counsel, Exhibit [G] letter to  
Court of appeals of Ohio, eighth appellate district, Exhibit  
[H] And I page 148-149 when Cortez challenged the trial  
Court of jurisdiction, Exhibit [J] Journal Entry appellant's  
Affidavit to vacate void judgment and void convictions for  
Ineffective assistance of appellate counsel, counsel for  
Appellant's brief is treated as a motion and is denied,  
Exhibit [K] Kathleen Ann Keogh judicial oath of office [  
Pursuant to R.C.3.23], Exhibit [L] Michael C. O'Malley

Oath of office of the Cuyahoga county prosecutor, Exhibit [M] How judges commit crimes pages 1-6, Exhibit [N] Capias on indictment issue date: 08/23/2016, Exhibit [O] Journal Entry defendant indigent; attorney Mary Catherine O'Neil Corrigan assigned. Counsel is appointed for Appellate purposes. Transcripts at states expense, Exhibit [P] Journal Entry motion by appellant's counsel the Cuyahoga county public defender's office, to withdraw as Counsel, and for appointment of new counsel is granted, Exhibit [Q] Journal Entry motion by appellee for extension Of time to file response to appellant's affidavit to vacate Void Judgment and void convictions is denied as moot, Exhibit[R] Motion to withdraw as counsel and for Appointment of New counsel Erika Cunliffe Ohio Reg #0074480, Exhibit [S] Journal Entry judge Cassandra Collier-Williams Ordered Cleveland police department Return vehicle to the defendant 2-3-2017, Exhibit [T] Motion by appellee for Motion by appellee for extension Of time to file response to Appellant's affidavit to vacate



Void judgment and Conviction is denied as moot, Exhibit [U] Journal Entry Motion by appellant, pro se, for Reconsideration of denial of affidavit to vacate void Judgment and void convictions for ineffective assistance Of counsels and for not filing appellant brief is denied Exhibit [V] Journal Entry in accordance with the court's Accompanying memorandum of opinion and order, this Action is dismissed. Exhibit [W] Journal Entry Correspondence from appellant Requesting to appoint Another Appellate attorney is treated as a motion, Exhibit [X] Judges as criminals? When judges violate Their oath of office Exhibit [Y] Racketeer influenced and Corrupt organizations and Act Rico Exhibit [Z] Reason For tow: Arrest VIN: 2FMZA57481BA07302 2001 Silver Ford Windstar Date of Service 08/26/2016 Junked 12/1/16 Exhibit [1] Journal Entry motion by appellant's Counsel, The Cuyahoga county defender's office, to Withdraw as Counsel, and for appointment of new counsel Counsel is granted in Part, Exhibit [2] Journal Entry

Defendant ordered Released, Exhibit [3] Affidavit motion  
To reconsideration of Denial of plaintiffs affidavit motion to  
To vacate void judgment and void convictions for  
Ineffective asst, Exhibit [4] opposition to Oppose for  
Extension of Time to Plaintiff's affidavit to Vacate void  
Judgment and Void Conviction, Exhibit [5] Affidavit to  
Attach exhibit [H] And [I], to vacate void Judgment and  
Void convictions for For Ineffective asst, Exhibit [6]  
Affidavit to vacate void Judgment and void Convictions for  
Ineffective asst, Exhibit [7] Affidavit to Appoint appellate  
Counsel and for the Appellate counsel to submit one  
Assignment of error in His brief, Exhibit [8] Letter to  
Appellate attorney Mary Catherine Corrigan. Exhibit [9]  
Journal Entry Sua sponte, this appeal is dismissed at  
Appellant's cost for failure to file a brief. All Exhibits from  
The record proves and shows the trial court in Cuyahoga  
County never had jurisdiction abinitio to proceed against  
Cortez Davis. The Cleveland Police Department officers,  
Cleveland municipal court, Cuyahoga County jail, common

Pleas court, agents, Employees, and Staff are knowingly  
Willingly violating the Following laws: Human rights, Ohio  
Const. Article. I sect. 1, Ohio const. Art.1. Sect 10, Ohio  
Const. Art. I. sect 14, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, Art. 6. Cl. 2, oath of office  
3.23, and Administrative code R.C. 124. 34. Ohio criminal  
Rules 3, 4[A][1], 5. Common Law Rights.

Our government owes the people an "intangible right to Honest services" by all government agents, a.k.a. Municipal employees/officers. Implicit in this statement is The inferred obligation to the people that our courts will be Honest and will be administered by honest officers of the Court. Judges and prosecutors must be held to a higher Standard of truth and integrity that the citizens for whom They administer the law. It is a fair characterization of the Lawyer's responsibility in our society that he stands "as a Shield," ..., in defense of right and to ward off wrong. From A profession charged with such responsibilities there must Be exacted those qualities of truth-speaking, of a high Sense of honor, of granite discretion, of the strictest Observance of fiduciary responsibility, that have, Throughout the centuries, been compendiously described As "moral character".

Schwartz v. Board of Examiners, 353 U.S. 232, 238 [1957] Scotus rendered the decision in Schwartz being consciously aware of the potential for Abuse of power if our courts and law enforcement should,

Over time, disregard their "fiduciary responsibility " and  
Therewith forfeit their moral character. Jefferson, Lincoln  
And others cautioned against failure to keep a watchful  
Eye on the judiciary. When lawyers and judges disregard  
Truth and honesty they neglect their duty to support and  
Defend the constitution: Due process and equal protection  
Of law are disregarded. The court becomes a "rogue/  
Corrupt court", acting outside the prescribed parameters  
Of law. The fundamental element for due process of law is  
The establishment of jurisdiction without which a court  
May not act for, inter alia, lack of probable cause.  
Jurisdiction has two [2] primary components; subject  
Matter and in personam jurisdiction. Both components  
Must be satisfied for a court to have jurisdiction to act in  
A judicial capacity in the matter. Jurisdiction is so  
Important as a constitutional right" that once challenged,  
The test for jurisdiction is, and must be established by the  
Moving party [plaintiff], under the strict scrutiny" test. A  
Court that assumes jurisdiction without irrefutable

Supporting evidence is "at war with the constitution" which Judges have sworn to support and defend. See oath of Office. A court may not assume jurisdiction where that Jurisdiction is challenged. The moving party has the Burden of proof to establish jurisdiction in a court of law. This requirement is critical in criminal cases lest the victim Be convicted by abusive and criminal misconduct of Prosecutors. "jurisdiction can not be assumed." Owen v. City of independence, mo., 100 S.Ct. 1398 once Challenged, jurisdiction must be answered." Hagans v. Lavine, 99 S.ct 1372, 78 n.5 [1973]. Scotus" subject Matter jurisdiction can never be waived and can be raised At any time, even after trial." Zenith Radio Corp. V. Matsushita Electric Indus. Co., Ltd., 459 F. Supp. 1161 [DC PA 1980]. "Whenever it appears by suggestion of the Parties or otherwise that the court lacks jurisdiction of the Subject matter, the court shall dismiss the action." Fed. Rules of civil procedure 12[h][3]. "lack of subject matter Jurisdiction will subject a court to collateral attack, since

The judgment is wholly nugatory."Riddle v. Cella, 15 A. 2d 59, 128 N.J. Eq. 4 [1940]."Where a court does not Have subject matter jurisdiction, it should refrain from Any further exercise of power." Myers v. Long Island Lightning Co., 623 F. Supp. 1076 [D.C.N.Y.1985]." A Party can not be estopped from asserting lack of subject Matter jurisdiction"Burch v. snider, 461 F. Supp. 598 [1978]." Subject matter jurisdiction cannot be waived by Parties, conferred by consent, or ignored by court." Babcock & Wilcox Co. v. Parsons Corp., 430 F.2d 531 [1970]. Subject matter jurisdiction is so important that Absence of it must be raised at any time, sua sponte, by A court at any level." Matter of Wildman, 30 B.R. 133 [Bkrtcy ill.1983].[Emphasis added.]"Where a court has no Jurisdiction of subject matter, its proceedings are void Judge can derive no protection from them against Potential civil liability."In re: Tip-Pa-Hans Enterprises, Inc., "the United States Supreme court has clearly, and Repeatedly, held that any judge who acts without

Jurisdiction is engaged in an act of treason."U.S. v. Will, 449 U.S. 200, 216, 101 S.ct. 471, 66 L. Ed. 2d 392, 406[1980]; Cohens v. Virginia, 19 U.S.[6 Wheat] 264, 404, 5 L. Ed 257 [1821]. Scotus" Engaging in an act of treason Against the United States Constitution by any citizen of the United States is an act of war against the United States." Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401[1958]. Scotus Clearly, subject matter jurisdiction is a fundamental Element for any court proceeding to pretend to have Legitimacy. Under Twining, Supra, SCOTUS recognizes "jurisdiction" as a fundamental right; a "due process" Constitutional issue. Any court that proceeds without Jurisdiction commits a "breach of trust" which, when not Corrected becomes a "conflict of interest crime". See Public service. 5 U.S.C. 2635. 101[c]. satisfy its burden Of proof to establish jurisdiction. In both cases, the state Court failed to demand that prosecutors meet this burden And prosecutors "made with no effort" to establish Jurisdiction in Dauphin County Court. In both cases, the



State judiciary is "at war" with the Constitution of the United States. Where there is no jurisdiction, there can be no discretion, for discretion is incident to jurisdiction. *Piper v. Pearson*, 2 Gray 120, cited in *Bradly v. Fisher*, 13 Wall. 335, 20 L.Ed. 646 [1872]. SCOTUS A court [judge] Acting contrary to the Rules of Court is, definition, a "Criminal" for committing a conflict of interest "crime". This Constitution, and the laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or Which shall be made, under the authority of the United States, shall be the supreme law of the Land; and the Judges in every State shall be bound thereby, any thing In the Constitution or Laws of any State to the Contrary Notwithstanding. Article VI, Cl. 2 has not been amended or Repealed. When a judge knows that he lacks jurisdiction, Or acts in the face of clearly valid statutes expressly Depriving him of jurisdiction, judicial immunity is lost." *Rankin v. Howard*, 633 F. 2d 844 [1980]; cert. den. *Zeller v. Rankin*, 101 S.ct. 2020, 451 U.S. 939, 68 L.Ed.

2d 326." There is a general rule that a ministerial officer  
Who acts wrongfully, although in good faith, is  
Nevertheless liable in a civil action and cannot claim the  
Immunity of the sovereign." Cooper v. O' Connor, 99 F.2d  
133."... the particular phraseology of the Constitution of  
The United States confirms and strengthens the principle,  
Supposed to be essential to all written Constitutions, that a  
Law repugnant to the Constitution is void, and that courts,  
As well as others departments, are bound by that  
Instrument." Marbury v. Madison, 1 Cranch 137 [1803]."  
No judicial process, whatever form it may assume, can  
Have any lawful authority outside of the limits of the  
Jurisdiction of the court or judge by whom it is issued; and  
An attempt to enforce it beyond these boundaries is  
Nothing less than lawless violence." Ableman v. Booth, 21  
Howard 506 [1859].

Judges As Criminals? When judges violate their oath of office

### Circuit Court a Criminal Enterprise

The seventh circuit court appeals held that the circuit Court of Cook County is a criminal enterprise. U.S. v. Murphy, 768 F.2d 1518, 1531 [7<sup>th</sup> Cir. 1985]. The united States Supreme Court recently acknowledged the judicial Corruption in cook county, when it stated that judge "Maloney was one of many dishonest judges exposed and Convicted through 'operation Greylord', a labyrinthine Federal investigation of judicial corruption in Chicago". Bracey v. Gramley, Case No. 96-6133 [June 9, 1997].

Since judges who do not report the criminal activities of Other judges become principals in the criminal activity, 18 U.S.C. section 1, and since no judges have reported the Criminal activity of the judges who have been convicted, The other judges are as guilty as the convicted judges.

The criminal activities that the federal courts found in the Circuit court of cook county still exist, and are today under The care, custody and control of judges Greylord II [Chief Judge Donald O'Connell]. The circuit court of Cook County Remains a criminal enterprise.

### Judicial immunity

Judges have given themselves judicial immunity for their Judicial functions. Judges have no judicial immunity for Criminal acts, aiding, assisting, or conniving with others Who perform a criminal act, for their administrative/ Ministerial duties. When a judge has a duty to act, he does Not have discretion-he is then not performing a judicial act , he is performing a ministerial act. Judicial immunity does Not exist for judges who engage in criminal activity, for Judges who connive with, aid and abet the criminal activity Of another judge, or to a judge for damages sustained by A person who has been harmed by the judge's connivance With, aiding and abetting, another judge's criminal activity.

## Trespassers of the law

The Illinois supreme court has held that” if the magistrate  
Has not such jurisdiction, then he and those who advise  
And act with him, or execute his process, are trespassers.

“Von Kettler et.al v. Johnson, 57 Ill. 109 [1870] under  
Federal law which is applicable to all states, the U.S.  
Supreme stated that if a court is” without authority, its  
Judgments and orders are regarded as nullities. They are  
Not voidable, but simply void and form no bar to a  
Recovery sought, even prior to a reversal in opposition to  
To them. They constitute no justification; and all persons  
Concerned in executing such judgments or sentences are  
Considered, in law, as trespassers.” Elliot v. Piersol, 1  
Pet. 328, 340, 26 U.S. 328, 340 [1828] the Illinois supreme  
Court held that if a court “could not hear the matter upon  
The jurisdiction paper presented, its finding that it had the  
Power can add nothing to its authority to make that  
Finding.” The People v. Brewer, 128 Ill. 472, 483 [1928].  
When judges act when they do not

Have jurisdiction to act, or they enforce a void order [an Order issued by a judge without jurisdiction], they become Trespassers of the law, and are engaged in treason [see Below]. The Court in Yates v. Village of Hoffman Estates, Illinois, 209 F.Supp. 757 [N.D. Ill. 1962] held that" not Every action by a judge is in exercise of his judicial Function. ... It is not a judicial function for a judge to Commit an intentional tort even though the tort occurs in The courthouse." When a judge acts as a trespasser of The law, when a judge does not follow the law, the judge Loses subject-matter-jurisdiction and the judges orders Are void, of no legal force or effect. The U.S. Supreme Court, in Scheuer v. Rhodes, 416 U.S. 232, 94 S.Ct. 1683, 1687 [1974] stated that" when a state officer acts under a State law manner violative of the Federal Constitution, he" Comes conflict with the superior authority of that Constitution, and he is in that case stripped of his official Or representative character and is subjected in his person To the consequences of his individual conduct. The state

Has no power to impart to him any immunity from Responsibility to the Supreme authority of the United States." By law, a judge is a state officer. The judge then Acts not as a judge, but as a private individual [in his Person].

#### Violation of oath of office.

In Illinois, 705 ILCS 205/4 states "every person admitted To practice as an attorney and counselor at law shall, Before his name is entered upon the roll to be kept as Hereinafter provided, take and subscribe an oath, Substantially in the following form:

'I do solemnly swear [or affirm, as the case may be], that I will support the constitution of the United States and the Constitution of the state of Illinois, and that I will faithfully Discharge the duties of the office of attorney and Counselor at law to the best of my ability.'"

In Illinois, a judge must take a second oath of office. Under 705 ILCS 35/2 states, in part, that "the several judges of The circuit courts of this state, before entering upon the Duties of their office, shall take and subscribe the following Oath or affirmation, which shall be filed in the office of the Secretary of state:

'I do solemnly swear [or affirm, as the case may be] that I Will support the constitution of the United States, and the Constitution of the state of Illinois, and that I will faithfully Discharge the duties of judge of \_\_\_\_\_ court, according to The best of my ability.'"

Further, if the judge had enlisted in the U.S. military, then He has taken a third oath. Under title 10 U.S.C. Section 502 the judge had subscribed to a lifetime oath, in Pertinent part, as follows:

"I, \_\_\_\_\_, do solemnly swear [or affirm] that I will



Support and defend the Constitution of the United States  
Against all enemies, foreign or domestic; that I will bear  
True faith and allegiance to the same;..."

The U.S. Supreme Court has stated that "No state  
Legislator or executive or judicial officer can war against  
The Constitution without violating his understanding to  
Support it." Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401  
[1958].

Any judge who does not comply with his oath to the  
Constitution of the United States wars against that  
Constitution and engages in acts in violation of the  
Supreme law of the land. The judge is engaged in acts of  
Treason. Having taken at least two, if not three, oath of  
Office to support the Constitution of the United States, and  
The Constitution of the State of Illinois, any judge who has  
Acted in violation of the Constitution is engaged in an act  
Or acts of treason [see below]. If a judge does not fully

Comply with the Constitution, then his orders are void,  
In re Sawyer, 124 U.S. 200 [1888], he/she is without  
Jurisdiction and he/she has engaged in an act or treason.

### Treason

Whenever a judge acts where he/she does not have  
Jurisdiction to act, the judge is engaged in an act or acts  
Of treason. U.S. v. Will, 449 U.S. 200, 216, 101 S.Ct. 471,  
66 L.Ed.2d 392, 406 [1980]; Cohens v. Virginia, 19 U.S. [6  
Wheat] 264, 404, 5 L.Ed 257 [1821]

Any judge or attorney who does not report the above  
Judges for treason as required by law may themselves be  
Guilty of misprision of treason, 18 U.S.C. Section 2382.  
It takes a short time to learn to exercise power, but a  
Lifetime to learn how to avoid abusing it.

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## Trial court violated Treason Act

Claim: 4

The Northern Dist Court errored when it denied  
And violated Cortez Davis Treason Act, 4th, 5<sup>th</sup>, 6<sup>th</sup>,  
Amendments Art. 6.C13, Ohio Constitution Art. I. sect.  
1, Ohio constitution Art I sec. 10, Ohio constitution. Art. I.  
sect. 14, U.S. constitution Oath of office 3.23  
Administrative code R.C. 124.34 See Exhibit (M)  
Reserve/Invoke all Common law rights. For the northern  
dist Court Lacked Jurisdiction Abinitio, the northern dist  
Court Lacked Jurisdiction over any subject matter  
Jurisdiction Abinitio. The Northern dist court lacked subject  
Matter Jurisdiction abinitio. Jurisdiction exist by the Ohio  
Constitution and By the U.S. Constitution. Once the Ohio  
Constitution and U.S. Constitution is violated Jurisdiction  
Cease to exist. Jurisdiction exist outside the court, and if  
It doesn't exist outside the court room it can never exist  
Inside the court Room. Whenever a judge acts where  
He/she does not have jurisdiction to act, the judge is  
Engaged in an act or Acts of Treason. U.S. v. Will, 449  
U.S. 200, 216, 101 S.Ct

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.471, 66 L.Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 wheat) 264, 404, 5 L.Ed 257 (1821) any judge or Attorney who does not report the above judges for Treason as required by law may themselves be guilty of Misprision of treason, 18 U.S.C. section 2382.

The seventh circuit court of appeals held that circuit Court of Cook County is a criminal enterprise. U.S. v. Murphy, 768 F.2d 1518, 1531 (7<sup>th</sup> Cir. 1985). The United States supreme court recently acknowledge the judicial Corruption in cook county, when it stated that judge "Maloney was one of many dishonest judges exposed and convicted through 'operation Greylord', a labyrinthine Federal investigation of judicial corruption in Chicago". Bracey v. Gramley, case No. 96-6133 (June 9, 1997).

Since judges who do not report the criminal activities of Other judges become principals in the criminal activity, 18 U.S.C. section 1, and since no judges have reported the Criminal activity of the judges who have been convicted, The other judges are as guilty as the convicted judges. The criminal activities that the federal courts found in the Circuit court of cook county still exist, and are today under



The care, custody and control of judge Greyford II (Chief Judge Donald O'Connell). The circuit court of Cook County remains a criminal enterprise.

The Illinois supreme court has held that "if the magistrate has not such jurisdiction, then he and those who advise and act with him, or execute his process, are trespassers." *Von Kettler et al. v. Johnson*, 57 Ill. 109 (1870) under Federal law which is applicable to all states, the U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void, and form no bar to recovery sought, even prior to a reversal in opposition to them. They constitute no justification, and all persons concerned in executing such judgments or sentences are considered, in law, as trespassers." *Elliot v. Piersol*, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828) the Illinois Supreme Court held that if a court "could not hear the matter upon the jurisdiction paper presented, its finding that it had the power can add nothing to its authority, - it had no authority to make that finding." *The people v. Brewer*, 128 Ill. 472, 483 (1928). When judges act when they do not have jurisdiction to act, or they enforce a void order (an order issued by a judge without jurisdiction),



They become trespassers of the law, and are engaged in In treason (See below).

The court in *Yates v. Village of Hoffman Estates, Illinois*, 209 F.Supp. 757 (ND. Ill. 1962) held that "not every action By a judge is in exercise of his judicial function. ... It is not A judicial function for a judge to commit an intentional tort Even though the tort occurs in the courthouse." When a Judge acts as a trespasser of the law, when a judge does Not follow the law, the judge loses subject-matter Jurisdiction and the Judges orders are void, of no legal Force or effect. The U.S. supreme court, in *Scheuer v. Rhodes*, 416 U.S. 232, 94 S.Ct. 1683, 1687 (1974) stated That "when a state officer acts under a state law in a Manner violative of the federal constitution, he is in that Case stripped of his official or representative character And is subjected in his person to the consequences of his Individual conduct. The state has no power to impart to Him any immunity from responsibility to the supreme Authority of the United States. "[Emphasis supplied in Original]. By law, a judge is a state officer. The judge then Acts not as a judge, but as a private individual (in his Person).

Claim: 5  
Trial court violated Rico Act

The Northern Dist Court errored when it denied  
And violated Cortez Davis Section 1961(1) of the  
Rico Act Statute, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, amendments Art. 6. Cl. 2  
Ohio Constitution Art. I. sect. 1, Ohio constitution Art I sec.  
10, Ohio constitution. Art. I. sect. 14, U.S. constitution  
Oath of office 3.23 administrative code R.C. 124.34  
See Exhibit (Y) Reserve/Invoke all common law rights.  
For the northern dist Court Lacked jurisdiction abinitio,  
The northern dist Court Lacked jurisdiction over any  
Subject matter Jurisdiction Abinitio. The northern dist court  
Lacked subject matter Jurisdiction abinitio. Jurisdiction  
Exist by The Ohio Constitution and By the U.S.  
Constitution. Once the Ohio Constitution and U.S.  
Constitution is violated Jurisdiction Cease to exist.  
Jurisdiction exist outside the court, and if it doesn't  
Exist outside the court room It can never exist inside  
The court room. Section 1961(1) Of the Rico Act lists all  
Of the crimes upon which a Rico Violation must be  
Predicated. Spool, 520 F.3d 178 at 183. A Rico claim can  
Be predicated on not only numerous Federal criminal

Violations, but also on violations of certain state criminal  
Violations, but also on Rico states that a violation can be  
Predicated upon "any act or threat Involving murder,  
Kidnapping, gambling, arson, robbery, Bribery, extortion,  
Dealing in obscene matter, or dealing in a controlled  
Substance... which is chargeable under state Law and  
Punishable by imprisonment for more than one Year.  
" Thus, to prove a Rico claim, a plaintiff or Prosecutor  
Must first allege and prove an entire murder Case,  
Arson case, robbery case, etc. Only if proceed with  
The remaining elements of the "greater" Rico claim, e.g.,  
Pattern, enterprise, operation and management. A Rico  
Claim can also be predicated upon the violation of many,  
Many federal criminal statutes. The federal crimes relate  
To a number of areas, including: Counterfeiting, extortion,  
Gambling, illegal immigration, Obscenity, obstruction of  
Justice, prostitution, murder for hire, interstate  
Transportation of stolen property, and criminal  
Infringement of intellectual property rights. These are but  
A Few of the areas of federal criminal law Out of which  
A Rico claim can arise. Regardless of Whether a Rico



Claim is predicated upon state or federal criminal Violations (or a Combination of both), the defendant Need not be criminally convicted before civil plaintiff Can sue for Treble damages under Rico. Sedima, S.P.R.L.v. Imrex Co., 473 U.S. 479, 493 (1985). The Statute requires only that the criminal activities are "Chargeable " or indictable " under state or federal law, Not that the defendant has Already been charged or Indicted. 18 U.S.C. § 1961(1). There is one exception to This rule: since congress Amended the Rico act in 1995, Civil Rico claims cannot be predicated on securities fraud Violations unless the Defendant has been criminally Convicted of a securities Fraud violation. 18 U.S.C. § 1964(c). See, e.g., Swartz v. KPMG LLP, 476 F.3d 756, 761 (9<sup>th</sup> Cir. 2007)(the plaintiff's Civil Rico claim were Barred where the defendant had not be convicted of Securities fraud and where the sale of Stock was the Lynchpin of defendants' allegedly fraudulent Scheme); Bixler v. Mineral Energy and Technology Corp., 596 F. 3d 751, 760 (10<sup>th</sup> Cir. 2010)(same). What follows is a Discussion of some of the more useful and common acts Of racketeering.

Trial court violated oath of office

Claim: 6

The Northern Dist Court errored when it violated oath of Office 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, Amendments Art. 6. Cl. 2, Ohio Constitution Art. I. sect. 1, Ohio constitution Art I sec. 10, Ohio constitution. Art. I. sect. 14, U.S. constitution Oath of Office 3.23 Administrative code R.C. 124.34 See Exhibit (X) Reserve/ invoke all Common law rights. For the Northern dist Court Lacked Jurisdiction Abinitio, the Northern dist Court Lacked Jurisdiction over any subject Matter Jurisdiction Abinitio. Northern dist lacked subject Matter Jurisdiction abinitio. Jurisdiction exist by the Ohio Constitution and By the U.S. Constitution. Once the Ohio Constitution and U.S. Constitution is violated Jurisdiction Cease to exist. Jurisdiction exist outside The court, and if it doesn't exist outside the court room it Can never exist inside the court room. In Illinois, 705 ILCS 205/4 states "every person admitted to practice as an Attorney and counselor at law shall, before his name is Entered upon the roll to be kept as hereinafter provided, Take and subscribe an oath, substantially in the following

Form: 'I do solemnly swear (or affirm, as the case may Be), that I will support the constitution of the United States And the constitution of the state of Illinois, and that I will Faithfully discharge the duties of the office of attorney and Counselor at law to the best of my ability.'"

In Illinois, a judge must take a second oath of office. Under 705 ILCS 35/2 states, in part, that" the several judges of The circuit courts of his state, before entering upon the Duties of their office, shall take and subscribe the following Oath or affirmation, which shall be filed in the office of the Secretary of state:

'I do solemnly swear (or affirm, as the Case may be) that I Will support the constitution of the United States, and the Constitution of the state of Illinois, and that I will faithfully Discharge the duties of judge of \_\_\_\_\_court, according To the best of my ability.'"


Further, if the judge had enlisted in the U.S. military, then He has taken a third oath. Under Title 10 U.S.C. section 502 the judge had subscribed to a lifetime oath, in Pertinent part, as follows:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will

Support and defend the constitution of the United States  
Against all enemies, foreign or domestic; that I will bear  
Faith and allegiance to the same;...”.

The U.S. supreme court has stated that “No state  
Legislator or executive or judicial officer can war against  
The constitution without violating his undertaking to  
Support it.”. Cooper v. Aron, 358 U.S. 1, 78 S.Ct. 1401  
(1958).

Any judge who does not comply with his oath to the  
Constitution of the United States wars against that  
Constitution and engages in acts of treason. Having taken  
At least two, if not three, oaths of office to support the  
Constitution of the United States, and the constitution is  
Engaged in an act or acts of treason (see below). If a  
Judge does not fully comply with the constitution, then his  
Orders are void, in Re Sawyer, 124 U.S. 200 (1888), he/  
She has engaged in an act or acts of treason.



## Claim: 7

Northern dist court errored when it dismissed Cortez Davis 60(b)(6) complaint to vacate void judgment and void Convictions for ineffective assistance. And when it Disregarded lack of jurisdiction abinitio, lack of Jurisdiction Over any subject matter abinitio, lack of subject matter Jurisdiction abinitio, See Exhibit (V) once Cortez Davis Challenged Jurisdiction in trial court 8<sup>th</sup> district court of Appeals, and in the northern district court, it must be Proven to exist in all courts. There is no discretion to Ignore lack of Jurisdiction, the court has no authority to Reach merits, but rather, should dismiss the action. Melo v. us, 505 f.2d. 1026 the law provides that once state and Federal Jurisdiction has been challenged, it must be Proven Main V. thiboutot, 100 5. Ct. 2502[1980]. Once Challenged, Jurisdiction cannot be assumed, it must be Proved to exist. Stuck v. medical examiners, 94 ca. 2d. 751. 211. P.2d. 389 the burden shifts to the court to prove Jurisdiction. Rosemond v. Lambert, 469. F.2d 416. Jurisdiction can be challenged at any time. Jurisdiction, Once challenged, Cannot be assumed and must be

Decided. Basso v. Utah Power and light co. 495. F.2d 906. 910. The law requires Proof of Jurisdiction to Appear on the record of the Administrative proceedings. Hagans v. lavine, 415. U.S. 533. A court cannot confer Jurisdiction where none existed and cannot make a void Proceeding valid. It is clear and well established law that A void order can be challenged in any court. Old Wayne Mut. L. A 55 0c. v Mc Donough, 204. U.S. 8, 27. 5. Ct. 236 [1907] Cortez Davis challenged Jurisdiction in the trial Court 8<sup>th</sup> dist. court of appeals and in the northern dist. Court all 3 never proved Jurisdiction to exist on the record. See Exhibit (V) Therefore Cortez Davis Void Judgment And Void convictions must be vacated, invalidated Expunged Forthwith, for the trial court 8<sup>th</sup> dist court of Appeals and The northern dist court lacked Jurisdiction abinitio, the trial Court 8<sup>th</sup> dist court of appeals and the Northern dist court Lacked Jurisdiction over any Subject matter abinitio, Trial court 8<sup>th</sup> dist court of Appeals and the northern dist Court lacked subject Matter Jurisdiction abinitio.

Relief, sought for Damages, Perjury, Corruption, Embarrassment, Pain and Suffering, Violating Constitutional rights, Social Security loss, False Reputations, Unlawful Arrest, Wrongful Conviction, Unlawful Probation, Appellate Counseling miss Representing me, appointed attorney miss Representing me, Electrical Trade School, Stress, Depression, Discrimination, invasion of privacy, Tampering with evidence, false documentation, False allegations, Fraud, Treasons, Sham legal Process, Rico Act, Oath of Office, and Kidnapping. \$100.000.000 Dollars. For Cortez Davis 42. U.S.C. 1983 Civil Rights Complaint. Trial court lacked jurisdiction abinitio, trial Court lacked jurisdiction over any subject matter abinitio, Trial court lacked subject matter jurisdiction abinitio.

Respectfully submitted by

*Cortez Davis*

1545 West 25<sup>th</sup> Street Apt 217  
Cleveland, Ohio 44113

Affidavit of indigence  
In the United States Northern District Court of Ohio

I Cortez Davis, do hereby state that I am without the  
Necessary funds to pay the cost of this action for the  
Following reason(s). I am indigent, poor, don't have  
Employment to pay any cost in this 42. U.S.C. 1983  
Civil Rights complaint. I am requesting that the filing fees  
And any cost related to this be waived.

Plaintiff Cortez Davis

Sworn to, or affirmed, and subscribed in my presence this  
2 Day of February 2018

Deborah Hitchcock 2/2/18  
Notary Public



DEBORAH HITCHCOCK  
NOTARY PUBLIC  
STATE OF OHIO

My Commission Expires

12/23/20

My Commission Expires 12/23/20



Affidavit 42. U.S.C. 1983 Civil Rights Complaint

Memorandum to Support Stating all Claims and is true

And correct to the best of my knowledge.

Subscribed and sworn to before me on this 2 Day  
Of February 2018

Cortez Plam  
Plaintiff



DEBORAH HITCHCOCK

NOTARY PUBLIC  
STATE OF OHIO

My Commission Expires

12/23/20

Deborah Hitchcock 2/2/18  
Notary Public

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## Certificate of service

A copy of this 42. U.S.C. 1983 Civil Rights Complaint has Been Sent to Common Pleas Court 1200 Ontario St, Cleveland, Ohio 44113. Court of Appeals of Ohio, Eighth Eighth appellant District. 1 Lakeside Avenue. Cleveland Ohio 44114. United States Northern District Court of Ohio Clerk of Ohio Clerk of Court 801 W Superior Ave #400, Cleveland, Ohio 44113.

Respectfully submitted by

*Cortez Davis*

1545 West 25<sup>th</sup> Street Apt 217  
Cleveland, Ohio 44113

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[6] Claim 2: The 8 <sup>th</sup> dist court of appeals errored when it Denied Cortez Davis Affidavit for Ineffective asst. Appellate counsel for not filing appellant brief for the trial Court lacked Jurisdiction abinitio, the trial court lacked Jurisdiction over any subject matter abintio, the trial court Lacked subject matter Jurisdiction abinitio. Pg No	<u>12-16</u>
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